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# Congress of the United States

House of Representatives

Washington, DC 20515-2107

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The Honorable Tom Ridge  
Secretary  
U.S. Department of Homeland Security  
Washington, DC 20528

Dear Secretary Ridge:

I am writing in further reference to the Department's failure to intercept a shipment of depleted uranium (DU) being imported into the United States, and the implications of this failure for the Department's ability to intercept shipments of the more dangerous highly-enriched uranium (HEU).

On September 24, 2003, the Department of Homeland Security responded to my September 12 letter to you regarding a shipment of depleted uranium that ABC News had transported from Jakarta, Indonesia to the Port of Los Angeles. According to the Department's response, "the CBP inspectors at the Port of Los Angeles did not detect the presence of depleted uranium in the crate" shipped by ABC News. The Department's response to my September letter, and answers that Bureau of Customs and Border Protection (CBP) Commissioner Robert Bonner provided to questions I posed to him on this matter during an October 16, 2003 hearing of the House Select Committee on Homeland Security's Subcommittee on Infrastructure and Border Security, have suggested that the Department's failure to detect this shipment of DU does not demonstrate gaps in our homeland security protection capabilities. However, these responses have failed to resolve a central question concerning CBP's radiation detection capabilities. Specifically, does the failure of CBP inspectors to detect shielded DU contained within the crate shipped by ABC News suggest that CBP inspectors also would be incapable of detecting similarly shielded HEU -- which if imported into the U.S. by terrorists in sufficient amounts, could be used to create a nuclear explosive device that could kill tens of thousands of Americans?

As I am sure you will agree, a definitive answer to this question is required to ensure that our adversaries could not import HEU and fashion it into lethal weapons of mass destruction. Accordingly, I am forwarding to the Department a letter sent to me on November 10, 2003 by the Natural Resources Defense Council (NRDC), the organization that provided the DU used by ABC News. The NRDC letter disputes the accuracy of information contained in the Department's September 24 response to my September 12 letter regarding the DU shipment and raises questions about the responses Commissioner Bonner provided to me during the Subcommittee's October 16 hearing.

I request that the Department review the enclosed NRDC letter and address each NRDC response to the information contained in the Department's September 24 letter and provided by Commissioner Bonner during the subcommittee hearing last month. For each NRDC response, please indicate whether the Department agrees with NRDC or, if the Department does not agree, please lay out in detail the technical and factual basis for your disagreement. In addition, I request that the Department answer the following specific questions and provide supporting technical documentation where indicated:

1. Assume the use of a personnel passive radiation survey meter, of any type widely used by U.S. Customs agents, at distances greater than one meter from a 6.8 kilogram cylinder of metallic uranium that is shielded by at least 3 millimeters of lead, then:

a) Will the contribution to the count rate from a DU cylinder be greater than that from a HEU cylinder? In other words, absent background radiation, would the count-rate registered by the radiation survey meter be higher if the cylinder were made of DU than it would be if the cylinder were made of HEU?

b) If the Department believes the count-rate would be higher for the shielded HEU cylinder compared to a similarly shielded DU cylinder, provide the technical analysis that demonstrates the validity of the Department's claim and disputes the analysis by NRDC that shows that it would be lower.

c) Would the count-rate from the source be less than that of background radiation, regardless of whether the cylinder is made of DU or HEU?

d) If the Department believes the count-rate would be higher than background for either a HEU or DU cylinder, provide the technical analysis that demonstrates the validity of the Department's claim and disputes the analysis by NRDC that shows that the count-rate from the uranium cylinder would be lower than background.

2. Assume the use of a passive gamma-ray spectrometer in conjunction with a multi-channel analyzer, of any type used by U.S Customs agents, where the detector is at a distance greater than two meters from a 6.8 kilogram cylinder of metallic HEU that is shielded by at least 3 millimeters of lead, and the counting period is typical of that used for inspecting cargo, then:

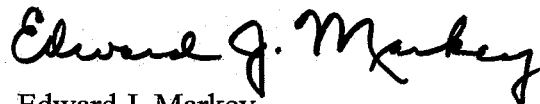
a) Will the signal due to any discrete gamma line, or combination of lines, associated with uranium isotopes and their daughters be detectable above background, i.e., detectable above the contributions in same channel, or channels, due to Compton X-rays, Bremsstrahlung and other discrete line sources?

b) If the Department believes one or more discrete lines, and therefore HEU, would be detectable above background, provide the technical analysis that demonstrates the validity of the Department's claim, including specification of the type of gamma-ray spectrometer, the distance from the source to the detector, the counting time, discrete lines that would be detected, and the statistical significance level (standard deviations) above background at which detection is assumed.

Discrepancies between the Department's and NRDC's analyses must be resolved so that informed decisions can be made about how best to safeguard America from HEU that could be utilized by terrorists to create weapons that would cause destruction on a massive scale.

I appreciate the Department's consideration of this request and look forward to its prompt response. If you have questions about this correspondence, please have a member of your staff contact Mr. Mark Bayer or Mr. Jeff Duncan in my office at 202-225-2836.

Sincerely,

  
Edward J. Markey